Basics of Land Use Law

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- Land use and planning touches numerous aspects of daily life
- Embodying a range of laws and regulations across federal, state, and local levels
- Land use law impacts development, conservation, and more

Source: Environmental Law Institute
Overview

- Regulating how land is used and what activities may be conducted
  - Impacts on human health and the environment
- Land use planning can:
  - Reduce urban sprawl
  - Preserve green spaces
  - Limit soil erosion and contaminated surface water runoff
- Placing restrictions on people’s use of their property is controversial
  - Land use law can be complex and contentious

Source: Environmental Law Institute
Overview: Regulation

- Largely regulated by states and municipalities through zoning
  - Little role for the federal government
  - Exceptions:
    - Managing federal lands
    - ESA
  - Courts
    - Decide cases on the constitutional reach of state and local land use regulation
    - Private nuisance lawsuits

Source: Environmental Law Institute
Today’s Session: Focus

- The primary elements of land use law, including:
  - Foundations of land use law
  - Legal frameworks
  - Conservation

Source: Environmental Law Institute
Today’s Session

- Background of zoning authority (constitutional authority)
- Procedural vs. substantive due process
- Equal protection
- Zoning tools
- Hearings and appeals
- Case studies
- DEI & climate change considerations
- Project management
- Land Trusts
- Conservation tools & conservation easements
- Recent trends in approaches to planning communities and development
- Stewardship, monitoring and enforcement, and more

Source: Environmental Law Institute